

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BUCK STRAWDER,

Plaintiff,

v.

AARON MONTOYA, et al.,

Defendants.

Case No.: 1:24-cv-00976-JLT-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS ACTION
WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. 10)

Buck Strawder seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge screened the complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff failed to state a cognizable claim. (Doc. 8.) The Court provided the relevant legal standards and granted Plaintiff leave to amend his complaint. (*Id.* at 4-13.) Plaintiff did not file an amended complaint or otherwise respond to the Court. Thereafter, the magistrate judge issued Findings and Recommendations concerning Plaintiff's failure to prosecute the action and failure to comply with the Court's order. (Doc. 10 at 1-2, 5.) The magistrate judge found terminating sanctions were appropriate after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) and *Carey v. King*, 856 F.2d 1439,

1 1440 (9th Cir. 1988). (*Id.* at 2-3.) Therefore, the magistrate judge recommended the Court dismiss
2 the action without prejudice. (*Id.* at 4.)

3 The Court served the Findings and Recommendations on Plaintiff and notified him that
4 any objections were due within 14 days. (Doc. 10 at 4.) The Court advised him that the “failure to
5 file any objections within the specified time may result in the waiver of certain rights on appeal.”
6 (*Id.* at 4, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
7 objections, and the time to do so has passed.

8 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
9 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
10 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued September 2, 2025 (Doc. 10) are
12 **ADOPTED** in full.
- 13 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey court
14 orders and failure to prosecute.
- 15 3. The Clerk of Court is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: **September 25, 2025**


UNITED STATES DISTRICT JUDGE